

COUNTY OF KAUAI  
Minutes of Meeting  
OPEN SESSION

Board/Commission	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>September 6, 2018</b>
Location	Mo'ikeha Building, Liquor Control Conference Room 3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:45 p.m.
Present	Chair William Gibson; Vice Chair Paul Endo; Members: Shirley Akita, Jean Iida, Gerald Matsunaga (exited at 4:36 p.m.), Gary Pacheco, Maryanne Kusaka (entered at 4:12 p.m.) Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Cameron Takamura		
Excused			
Absent			

SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		Chair Gibson called the meeting to order at 4:00 p.m. with 6 members present, constituting a quorum.
<b>Roll Call</b>	Director Rapozo called roll, noting 6 members were present.	
<b>Approval of Agenda</b>		Ms. Akita moved to approve the agenda. Mr. Matsunaga seconded the motion. Motion carried 6:0.
<b>Approval of Minutes</b>	<u>APPROVAL OF MEETING MINUTES:</u> a) Open Session minutes of August 16, 2018	Mr. Matsunaga moved to approve the Open Session minutes of August 16, 2018. Mr. Pacheco seconded the motion. Motion carried 6:0.
<b>1. Violation Hearing</b>	a) <u>SHIVALIK INDIAN CUISINE</u> : Violation of Rule 4.7(a)(1) Gross liquor sales report, percentage fee, and records.  Mr. Poliyadath Sudhakaaran, Manager, was present to represent the licensee; no counsel. The licensee admitted to the charges.  Mr. Sudhakaaran explained that the owners live in California, and that he mailed the gross liquor sales form to them, however it took a while to reach them, and then had to be mailed back. He submitted the document as soon as possible once he received it.	

SUBJECT	DISCUSSION	ACTION
	<p>Commissioner Matsunaga asked how the manager communicated with the owner, asking if it would have been possible to email them to which Mr. Sudhakaaran replied he called them, but the owners instructed that the documents still be mailed, which is how he submits all business related documents.</p> <p>Commissioner Akita questioned whether the licensee was familiar with the particular rules for the County of Kauai, and recommended that the owner familiarize themselves with it.</p>	<p>Ms. Akita moved that a fine of \$500 be imposed. Mr. Matsunaga seconded the motion. Motion carried 6:0.</p>
	<p>b) <u>BANGKOK HAPPY BOWL THAI BISTRO</u>: Violation of Rule 4.7(a)(1) Gross liquor sales report, percentage fee, and records.</p> <p>Mr. Gene Mizumoto, Accountant, was present to represent the licensee; no counsel. The licensee admitted to the charges.</p> <p>Mr. Mizumoto explained that the gross sales report form was hand-delivered to the restaurant and given to the manager. The current manager is from Thailand, speaks broken English and did not understand the importance of the document. She put it aside, and Mr. Mizumoto was not made aware of it until he was informed by a liquor investigator on August 3, 2018 that the report was delinquent. As soon as he found the paperwork, he informed the owners who then contacted their CPA to obtain the sales information, then hand-carried the report to the department</p> <p>Vice Chair Endo noted that the restaurant has been in business for 2 years, and noted that the first filing was done on time. Therefore he is assuming the owners know what the deadline is. Mr. Mizumoto explained that during the time of the first filing last year, they had a different manager who understood</p>	<p>Mr. Matsunaga moved that a fine of \$500 be</p>

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	the importance of the document, and passed it along to the correct person to have it completed.	imposed. Mr. Pacheco seconded the motion. Motion carried 6:0.
<b>2. Public Hearing</b>	<p>a) <b>KIAWE ROOTS:</b> Application No. 2018-096 was filed on May 9, 2018 by The Sugar Mill LLC dba Kiawe Roots for a New Restaurant General (live music and dancing) license at 2829 Ala Kalanikaumaka Street, Suite 205, Kōloa, Kauai, Hawaii. The Commission accepted Application No. 2018-096 for publication and public hearing on May 17, 2018 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, May 23 &amp; 30, 2018; and July 18 &amp; 25, 2018, scheduling the public hearing on August 16, 2018 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu‘e Civic Center, Mo‘ikeha Building, 4444 Rice Street, Līhu‘e, Kauai, Hawaii.</p> <p>At the time of the public hearing, the Department received one (1) letter in opposition. There was no one present to object to the application.</p> <p>The licensee was represented by Tricia Ruiz, General Manager.</p> <p>Ms. Ruiz stated they are planning to have live music only in the event of a large event such as a wedding or graduation party, etc. They do not plan on utilizing a DJ, or bouncer, or anything of that nature.</p> <p>Commissioner Akita asked whether the person that submitted the letter in opposition approached Ms. Ruiz directly to share their concerns. Ms. Ruiz stated no, explaining that the letter was given to her by a Liquor Department staff member. Ms. Ruiz added that the letter-writer did express concerns previously when she had dined there, and that her concerns were acknowledged with an explanation of what the music situation would be like. Vice Chair Endo noted the hours of operation are listed as 9:00 a.m. to 8:00</p>	<p>Commissioner Kusaka entered the meeting at 4:12 p.m.</p>

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	<p>p.m. daily, and asked whether the music would go beyond the normal operating hours. Ms. Ruiz stated that their current hours of operation are from 11:00 a.m. to 9:00 p.m., but should they host a special event, they may stay open until 11:00 p.m. at the latest, similar to the other restaurants in the shopping center. Ms. Ruiz added that the letter-writer's concerns were assumptions based on her experiences with Tortilla Republic's past usage of that space.</p> <p>Chair Gibson asked whether the management of the shopping center has any control over the restaurant's hours of entertainment, or has stated any concern. Ms. Ruiz stated no concerns have been brought to her attention, but noted they would be following the noise ordinance already in place.</p> <p>The public hearing for Application No. 2018-096 was closed.</p>	<p>Ms. Akita moved to approve Application No. 2018-096. Ms. Iida seconded the motion. Motion carried. 7:0.</p>
	<p>b) <u>CHICKEN IN A BARREL</u>: Application No. 2018-152 was filed on June 14, 2018 by Barrel and BBQ, LLC dba Chicken In A Barrel for a New Restaurant General (live entertainment with dancing) license at 4-484 Kūhi'ō Highway, Kapaa, Kauai, Hawaii. The Commission accepted Application No. 2018-152 for publication and public hearing on June 28, 2018 and ordered to print notice of public hearing in The Garden Island newspaper on Wednesdays, July 11 &amp; 18, 2018, scheduling the public hearing on September 2, 2018 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu'e Civic Center, Mo'ikeha Building, 4444 Rice Street, Līhu'e, Kauai, Hawaii.</p> <p>At the time of the public hearing the Department received no letters in support or in opposition to the application.</p> <p>Mr. Eric Taylor, Manager, was present to represent the licensee.</p>	

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	<p>Mr. Taylor provided a letter and explanation of a new product delivery system they will be utilizing in their establishment. Discussion not relevant to the public hearing. Director Rapozo pointed out that the application before the Commission is for a Restaurant General (live entertainment and dancing) license, noting that whatever system the applicant is planning to use to serve alcohol will be the responsibility of the licensee to monitor and ensure compliance with all liquor laws and rules.</p> <p>Mr. Taylor explained that they are applying for live entertainment and dancing because there is a chance they may have someone come in to play guitar on occasion for ambiance, but they are not bringing in bands or intending to have dancing. They are looking to create atmosphere with some folk type music.</p> <p>Mr. Ben Herr provided testimony regarding the application. Mr. Herr stated that he lives at Plantation Hale, and is there representing a few of the residents there. His concern was whether there would be live bands or DJ's, since the noise carries toward their building. He was able to speak with Mr. Taylor earlier, who explained the type of music he will be having. Mr. Herr is satisfied with the response provided by Mr. Taylor regarding the type of music that will be played.</p> <p>In response to Commissioner Kusaka, Mr. Taylor stated the normal operating hours of the restaurant are 11:00 a.m. to 8:00 p.m., adding that the Coconut Marketplace has a condition that they must close at 9:00 p.m., but they are still currently closing at 8:00 p.m.</p> <p>Commissioner Akita asked Mr. Herr whether the people he is representing from Plantation Hale are permanent residents of the units to which Mr. Herr</p>	<p>Commissioner Matsunaga left the meeting at 4:36 p.m.</p>

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	<p>replied he is, but the others just own the unit and rent it out. She pointed out that most people that choose to reside in resort type areas like that usually like to have a nice venue to dine and listen to music.</p> <p>The public hearing for Application No. 2018-152 was closed.</p>	<p>Mr. Pacheco moved to approve Application No. 2018-152. Ms. Kusaka seconded the motion. Motion carried 6:0</p>
<p>3.</p>	<p><u>DIRECTOR'S REPORTS:</u></p> <p>a) <u>INVESTIGATOR'S REPORTS:</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Avid Marketing Group</p> <p>(2) Disturbance Reports from Café Portofino</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(3) To Avid Marketing Group</p> <p>(4) To All Wholesale Licensees, Re: Cancellation of Liquor License Pasta Paraiso, New Liquor License Lilikoi Bar &amp; Grill</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u></p> <p>Managers and Assistant Managers – See Attachment “A”</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(5) AOA OF HANALEI BAY RESORT</p> <p>(6) BEACH HOUSE RESTAURANT</p> <p>(7) KAUAI</p> <p>(8) MARRIOTT</p> <p>(9) RESORT AND BEACH CLUB</p> <p>(10) KILOHANA</p>	

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	<p>(11) SAFEWAY LIHUE (12) THE WINE SHOP (13) KAUAI MUSEUM (14) PRINCESS CRUISE LINES (15) SEABOURN SOJOU (16) RN (17) HOLLAND AMERICA LINE N.V. (18) WALDRON NORTON LILLY INTERNATIONAL, INC. (19) WAIOLI FOUNDATION (20) KAUAI HUMANE SOCIETY</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Pacheco moved to accept items 2(a) through 2(f). Ms. Akita seconded the motion. Motion carried 6:0.</p>
<p>4.</p>	<p><u>NEW LIQUOR LICENSE:</u></p> <p>a) <u>KAUAI BEER COMPANY</u>: Application No. 2019-020 was filed on August 10, 2018 by Kauai Brewers LLC dba Kauai Beer Company for a New Small Craft Producer Pub license at 4265 Rice Street, Līhu‘e, Kauai, Hawaii.</p> <p>b) <u>KAUAI DISTILLING COMPANY</u>: Application No. 2019-024 was filed on August 20, 2018 by LBD Coffee, LLC dba Kauai Distilling Company for a New Wholesale Dealer General license at TMK (4) 3-8-002-002, located ½ mile west of Ehiku Street and Kanakolu Street Junction, Līhu‘e, Kauai, Hawaii.</p>	<p>Ms. Akita moved to receive Application No. 2019-020 for publication and public hearing. Mr. Pacheco seconded the motion. Motion carried 6:0.</p> <p>Ms. Akita moved to receive Application No. 2019-024 for publication and public hearing. Mr. Pacheco seconded the motion. Motion carried 6:0.</p>
<p>5.</p>	<p><u>CHANGE OF FIRM NAME:</u></p> <p><u>TORTILLA REPUBLIC “THE UPSTAIRS”/TR CANTINA &amp; MARGARITA BAR</u>: Change of firm name on Restaurant General</p>	<p>Ms. Iida moved to accept the change of firm</p>

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	License No. 2G-043 from “Tortilla Republic ‘The Upstairs’/TR Cantina & Margarita Bar” to “Tortilla Republic Kitchen & Margarita Bar.	name. Mr. Endo seconded the motion. Motion carried 6:0.
6.	<u>CHANGE IN CORPORATE OFFICERS:</u>  <u>YOUNG’S MARKET:</u> Removal of Richard Gillis as President.	Ms. Akita moved to accept the change in corporate officers. Mr. Pacheco seconded the motion. Motion carried 6:0.
7.	<u>VIOLATION REPORTS:</u>  a) <u>MONICO’S TAQUERIA:</u> Violation of HRS 281-31 Licenses, classes.	Ms. Akita moved to call licensee for Violation Hearing. Ms. Iida seconded the motion. Motion carried 6:0.
<b>Announcements</b>	Next Scheduled Meeting: Thursday, September 20, 2018 – 4:00 p.m., Mo’ikeha Building, Meeting Room #3.	
<b>Adjournment</b>		Chair Gibson adjourned the meeting at 4:45 p.m.

Submitted by: \_\_\_\_\_  
Cherisse Zaima, Private Secretary

Reviewed and Approved by: \_\_\_\_\_  
William Gibson, Chair

( ) Approved as circulated.

( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.